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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	Case No. 4:25-cr-00082-AMO-1
)	
Plaintiff,)	STIPULATION AND PROTECTIVE ORDER
)	[PROPOSED] ¹
v.)	
)	
ANTOINE TSAO, aka Chung Tien Tsao,)	
)	
Defendant.)	
)	

With the agreement of the parties, the Court enters the following Protective Order:

Defendant is charged with one count of 18 U.S.C. § 1349 (Conspiracy to Commit Wire Fraud)

¹ This Order is also not intended to affect the obligations of either party or the timing of when discoverable materials must be produced. Those obligations are governed by Rule 16 of the Federal Rules of Criminal Procedure, Rule 16-1 of the Northern District of California Criminal Local Rules, and 18 U.S.C. § 3500 and Rule 26.2 of the Federal Rules of Criminal Procedure (the Jencks Act).

1 and two counts of 18 U.S.C. § 1343 (Wire Fraud). Upon receipt of a discovery request, the United
2 States will produce documents and other materials pertaining to the defendant and the charged offenses
3 to defense counsel. The discovery to be provided includes documents or other materials falling into one
4 or more of the following categories (collectively, “Protected Information”):

- 5 1. Personal Identifying Information of any individual (other than his or her name), including
6 any person’s date of birth, social security number, residence address, telephone numbers,
7 email addresses, driver’s license number, names of persons who are minors, or criminal
8 histories (“Personal Identifying Information”);
- 9 2. Information implicating the safety of undercover officers or agents and/or confidential
10 informants or sources, as well as information identifying uncharged potential targets
11 (“Sensitive Information”); and
- 12 3. Financial Identifying Information of any individual or business, including bank account
13 numbers, credit or debit card numbers, account passwords, and taxpayer identification
14 numbers (“Financial Identifying Information”).

15 The United States will identify discovery materials as Protected Information by marking such
16 materials “CONFIDENTIAL—SUBJECT TO PROTECTIVE ORDER” or by providing written notice
17 identifying discovery materials as Protected Information. The government shall exercise reasonable
18 care in determining which discovery materials should be designated as Protected Information in order to
19 avoid the over-designation of discovery materials as Protected Information.

20 To ensure that Protected Information is not subject to unauthorized disclosure or misuse,

21 **IT IS HEREBY ORDERED** that defense counsel, their investigators, assistants, employees,
22 and independent contractors (collectively, “the Defense Team”) may review with the defendant all
23 discovery material produced by the government, but shall not provide a defendant with copies of, or
24 permit defendant to make copies of, or have unsupervised access to any discovery material produced by
25 the government that contains Protected Information, unless the Protected Information has first been
26 **entirely redacted** from the discovery materials. The government and defense counsel are ordered to
27 work together to ensure that these materials are protected, but that defendant has as much access to the
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1 materials as can be provided consistent with this Court's order. Discovery material that clearly pertains
2 to a specific defendant and does not contain Protected Information regarding any other person (*e.g.*,
3 defendant's own bank records, telephone records, and business records) may be provided to that
4 defendant unredacted.

5 The Defense Team may show witnesses Protected Information in the course of preparing a
6 defense for trial or any related proceedings in this case, but only if (i) the witness, by reason of their
7 participation in the underlying events or conduct, would have seen or had reason to know such
8 information, or (ii) it is otherwise relevant to the defense of the case that the Defense Team discuss with
9 or show the witness Protected Information. Witnesses may only view Protected Information in the
10 presence of the Defense Team. No witness or potential witness may retain copies of discovery material
11 that contains Protected Information after his or her review of those materials with the Defense Team is
12 complete.

13 Defense counsel may also provide unredacted copies of Protected Information to any experts
14 retained to assist with the preparation of the defense in the captioned case. The defendant, all members
15 of the Defense Team, and any experts who receive Protected Information under this Order shall be
16 provided a copy of this Order along with those materials and shall sign and date the order reflecting their
17 agreement to be bound by it.

18 The Defense Team shall maintain Protected Information safely and securely, and shall exercise
19 reasonable care in ensuring the confidentiality of those materials by not divulging the contents or
20 permitting anyone to see Protected Information except as set forth in this Protective Order.

21 The materials provided pursuant to this protective order may only be used for the specific
22 purpose of preparing or presenting a defense in this matter unless specifically authorized by the Court.

23 This Order shall also apply to any copies made of any materials covered by this Order.

24 **IT IS FURTHER ORDERED** that if a party files a pleading that contains or attaches Protected
25 Information subject to this Order, the Protected Information must be filed under seal (accompanied by a
26 request to file under seal) and redacted from the public filing, unless otherwise ordered by the Court.

27 **IT IS FURTHER ORDERED** that after any judgment or disposition has become final and there
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are no pending proceedings, challenges, appeals, or habeas motions in the case, counsel for defendant shall either destroy discovery materials containing Protected Information (including any copies) within 30 days if the defendant consents to such destruction, or retain the Protected Information and ensure that the Protected Information will continue being kept under the conditions specified in this Order. After the statutory period for filing a motion under 28 U.S.C. § 2255 has expired, the United States is free to destroy documents and materials subject to this Order. If defendant is represented by counsel and files a motion pursuant to 28 U.S.C. § 2255, the United States will provide counsel with the documents and materials subject to this Protective Order under the terms of this Order.

This stipulation is without prejudice to either party applying to the Court to modify the terms of any protective order. This Court shall retain jurisdiction to modify this Order upon motion of either party even after the conclusion of district court proceedings in this case.

IT IS SO STIPULATED.

PATRICK D. ROBBINS
Acting United States Attorney

Dated: April 21, 2025

/s/
BENJAMIN K. KLEINMAN
DANIEL PASTOR
MOLLY K. PRIEDEMAN
Assistant United States Attorneys

/s/
ELISSE LAROCHE
Counsel for Defendant ANTOINE TSAO

IT IS SO ORDERED.

Dated:

THE HON. ARACELI MARTINEZ-OLGUIN
United States District Judge

By signing below, I acknowledge that I have been provided and have reviewed a copy of this Order and hereby agree to be bound by its terms:

[illegible]